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AXA EQUITABLE LIFE INSURANCE COMPANY  
7

8 UNITED STATES DISTRICT COURT OF CALIFORNIA  
9 SOUTHERN DIVISION  
10

11 AXA EQUITABLE LIFE INSURANCE  
12 COMPANY,

13 Plaintiff,

14 v.

15 H. THOMAS MORAN, II, Court-  
Appointed Receiver of LYDIA CAPITAL,  
16 LLC, and DAWSON & OZANNE, as  
Trustee of the Alvin Fischbach Irrevocable  
17 Trust,

18 Defendants.  
19

Case No. 3:08-cv-00569-BTM (BLM)

**JOINT MOTION FOR EXTENSION OF  
TIME FOR DEFENDANT DAWSON &  
OZANNE TO ANSWER OR  
OTHERWISE RESPOND TO  
PLAINTIFF AXA EQUITABLE LIFE  
INSURANCE COMPANY'S  
COMPLAINT**

20 Plaintiff AXA Equitable Life Insurance Company ("AXA Equitable") and  
21 Defendant Dawson & Ozanne hereby submit this Joint Motion for Extension of Time for  
22 Defendant Dawson & Ozanne to Answer or Otherwise Respond to Plaintiff's Complaint,  
23 and in support thereof, aver as follow:

- 24 1. On March 26, 2008, AXA Equitable filed its Complaint in this action.
- 25 2. On April 30, 2008, counsel for Dawson & Ozanne signed a Waiver of Service of  
26 Summons and agreed to answer or otherwise respond to AXA Equitable's  
27 Complaint by May 27, 2008.
- 28 3. On May 1, 2008, counsel for Defendant H. Thomas Moran, II, Court- Appointed

Receiver of Lydia Capital, LLC (“Mr. Moran”), provided counsel for AXA Equitable with information in his possession relating to the underlying claims.

4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with information in its possession relating to the underlying claims.

5. Based on the information exchanged by AXA Equitable and Mr. Moran, AXA Equitable intends to amend its Complaint.

6. In this light, and in order to allow the parties additional time to evaluate and discuss the underlying claims at issue, AXA Equitable and Dawson & Ozanne respectfully move this Court for an extension until July 10, 2008 for Dawson & Ozanne to answer or otherwise respond to AXA Equitable’s Complaint.

7. AXA Equitable and Dawson & Ozanne have previously requested a 30-day extension of time for Dawson & Ozanne to answer or otherwise respond to AXA Equitable’s Complaint, which was granted on May 28, 2008.

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1 WHEREFORE, AXA Equitable Life Insurance Company and Dawson & Ozanne  
2 respectfully request that the Court grant this Joint Motion for an extension until July 10,  
3 2008 for Defendant Dawson & Ozanne to answer or otherwise respond to Plaintiff's  
4 Complaint.

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6  
7  
8 Dated: June 24, 2008  
9

10 /s/ James A. Tabb  
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